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SESSION 1946

HOUSE OF COMMONS

(STANDING COMMITTEE)

Government
Publications

ON

(RAILWAYS, CANALS AND
TELEGRAPH LINES)

(SUBJECT-MATTER OF BILL No. 3,
AN ACT TO AMEND THE RAILWAY ACT)

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

WEDNESDAY, MAY 1, 1946
TUESDAY, JUNE 25, 1946
THURSDAY, JUNE 27, 1946

WITNESSES:

Mr. A. R. Adamson, M.P., Sponsor of Bill No. 3.
Mr. Hugh Wardrop, Assistant Chief Commissioner, Board of Transport Commis-
sioners, Ottawa.
Mr. William L. Best, Secretary, Dominion Joint Legislative Committee, Railway
Transportation Brotherhood, Ottawa.
Mr. H. B. Chase, Dominion Legislative Representative of the Brotherhood of Rail-
way Locomotive Engineers, Montreal.
Mr. J. L. D. Ives, Vice-President of the Order of Railway Conductors, Ottawa.
Mr. W. H. Phillips, Vice-President of the Order of Railroad Telegraphers.
Mr. K. D. M. Spence, Solicitor, Canadian Pacific Railway, Montreal.
Mr. J. W. G. Macdougall, Assistant Solicitor, Canadian National Railway,
Montreal.

OTTAWA

EDMUND CLOUTIER
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1946

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Canada Railways, Canals and
Telegraph Lines, Standing Order
1946

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RAILWAYS, CANALS AND TELEGRAPH LINES

(SUBJECT-MATTER OF BILL No. 3,
AN ACT TO AMEND THE RAILWAY ACT)

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No. 1

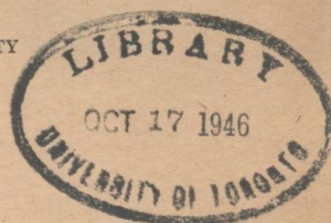
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62850—1



REPORT TO THE HOUSE

1st May, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines begs leave to present the following as a

FIRST REPORT.

Your Committee recommends:

1. That it be given leave to sit while the House is sitting.
2. That it be granted leave to print, from day to day, 500 copies in English and 200 copies in French of the minutes of proceedings and evidence to be taken, and that Standing Order 64 be suspended in relation thereto.
3. That the quorum be reduced from 20 to 12 members, and that Standing Order 63 (1) (b) be suspended in relation thereto.

All of which is respectfully submitted.

L. O. BREITHAUP, *Chairman.*

MINUTES OF PROCEEDINGS

WEDNESDAY, May 1, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 11 a.m. Mr. Breithaupt, the Chairman, presided.

Members present: Messrs. Belzile, Bonnier, Bourget, Campbell, Drope, Emmerson, Eudes, Farquhar, Gauthier (*Portneuf*), Gourd, Herridge, Irvine, Knight, Little, Maybank, McCulloch (*Pictou*), McIvor, McKay, Michaud, Mullins, Mutch, Shaw, Whitman, Winters—25.

The Order of Reference was read, viz.:—

FRIDAY, April 5, 1946.

Ordered: That the subject-matter of Bill No. 3, "An Act to amend the Railway Act", be referred to the Standing Committee on Railways, Canals and Telegraph Lines.

The Chairman informed the Committee that Mr. Adamson, the sponser of the Bill, was unable to be present this day, but that he would be available to attend the next meeting of the Committee.

On motion of Mr. McCulloch (*Pictou*), it was

Resolved, That the committee ask leave to reduce the quorum from 20 to 12 members.

On motion of Mr. Maybank, it was

Resolved, That the Committee ask leave to sit while the House is sitting.

On motion of Mr. McKay, it was

Resolved, That the Committee ask leave to print, from day to day, 500 copies in English and 200 copies in French of the minutes of proceedings and evidence to be taken before the Committee.

The Chairman drew the attention of the Committee to *Hansard*, April 5, 1946, at page 631. The Minister of Transport, speaking on the motion for second reading of Bill No. 3, said: "I think the proper thing is to refer this bill to the railway committee and to invite before that committee representatives of the Railway Association of Canada, of the railways and any others who want to give evidence".

The Chairman informed the Committee that the following were available to give evidence, when asked to appear: Mr. Hugh Wardrope, Assistant Chief Commissioner of the Board of Transport Commissioners for Canada; Messrs. A. Beatty Rosevear, Assistant General Solicitor, Canadian National Railways and Mr. Duncan McNeill, K.C., Assistant General Counsel, Canadian Pacific Railway, both representing the Railway Association of Canada; and the following nominees of the Dominion Legislative Committee of the Railway Transportation Brotherhoods of Canada: Mr. A. J. Kelly, Chairman; Mr. W. L. Best, Secretary; Mr. H. B. Chase and Mr. J. L. D. Ives.

It was agreed that the Committee would, at the next meeting, decide upon a date for the hearing of witnesses and the order of their appearance.

The Committee adjourned to meet at the call of the Chair.

T. L. McEvoy,
Clerk of the Committee.

TUESDAY, 25th June, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met at 4.00 p.m. Mr. Breithaupt, the Chairman, presided.

Members Present: Messrs. Adamson, Archibald, Beaudoin, Bentley, Breithaupt, Drope, Emmerson, Farquhar, Herridge, Little, McIvor, Mutch, Robinson (*Simcoe East*), Shaw, Stephenson, Whitman, Winters.

The Committee commenced consideration of the subject-matter of Bill No. 3, An Act to amend the Railway Act.

Mr. Adamson, the sponsor, explained the purpose of Bill No. 3.

Mr. Hugh Wardrope, Assistant Chief Commissioner, Board of Transport Commissioners, Ottawa, was called, heard and questioned.

Mr. William L. Best, Secretary, Dominion Joint Legislative Committee, Railway Transportation Brotherhoods, Ottawa, was called, heard and questioned.

Mr. H. B. Chase, Dominion Legislative Representative of the Brotherhood of Railway Locomotive Engineers, Montreal, was called, heard, and questioned.

Mr. J. L. D. Ives, Vice-President of the Order of Railway Conductors, Ottawa, was called and heard.

Mr. W. H. Phillips, Vice-President of the Order of Railroad Telegraphers, was invited to address the Committee. He stated that he had nothing to add to what had been said.

In response to a request made by Mr. Stephenson, Mr. Wardrope promised to supply the Committee with a statement showing the number of fatal accidents that have occurred at railway crossings (a) where signals are installed and (b) where signals are not installed.

The Committee adjourned until 4.00 p.m., on Thursday, June 27.

John T. Dun,
Clerk of the Committee.

THURSDAY, 27th June, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met at 4.00 p.m. Mr. Breithaupt, the Chairman, presided.

Members present: Messrs. Adamson, Beaudoin, Black (*Cumberland*), Breithaupt, Campbell, Chevrier, Drope, Emmerson, Gauthier (*Portneuf*), Gourde, Hatfield, Hodgson, McCulloch (*Pictou*), Mutch, Robinson (*East Simcoe*), Stephenson.

The Committee resumed consideration of the subject-matter of Bill No. 3, An Act to amend the Railway Act.

The Chairman acknowledged receipt of a statement sent by Mr. Wardrope, Assistant Chief Commissioner, Board of Transport Commissioners, showing the number of fatal accidents that have occurred in recent years at railway crossings.

Mr. K. D. M. Spence, Solicitor, Canadian Pacific Railway, Montreal, was called, heard, and questioned.

Mr. J. W. G. Macdougall, Assistant Solicitor, Canadian National Railways, Montreal, was called, heard and questioned.

Mr. Adamson, M.P., sponsor of the bill, was heard briefly.

The Committee adjourned to meet at the call of the Chair.

John T. Dun,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

June 25, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 4 o'clock p.m. The Chairman, Mr. L. O. Breithaupt, presided.

The CHAIRMAN: Gentlemen, the subject matter of Bill No. 3, introduced by Mr. Adamson, has been referred to this committee. But before we take that up, may I say that it has been very difficult to secure a room for committee meetings. I am advised that we can have this room—we will hardly be finished to-day, of course—for Thursday morning next at 11 o'clock. Is it your wish to make arrangements to have the room on Thursday morning next?

Mr. WINTERS: There are a good many of us tied up on other committees at eleven o'clock.

The CHAIRMAN: How about Thursday afternoon if we can get the room at 4 o'clock? Will that suit the members?

Some Hon. MEMBERS: Yes.

The CHAIRMAN: If it is the wish of the committee we will arrange for a continuation of this meeting on Thursday afternoon next at 4 o'clock.

The subject matter of Mr. Adamson's Bill No. 3 is before us, as I have said, and as a courtesy to him I believe that we should give him an opportunity to give us a short synopsis of it. I think the bill itself was covered in the House either by Mr. Adamson or by Mr. Graydon on his behalf. I imagine that ten minutes or possibly less would answer his purpose, as time is short. Is it your pleasure that Mr. Adamson be heard?

Some Hon. MEMBERS: Yes.

Mr. ADAMSON: Mr. Chairman and gentlemen, I think I would do better to show you a map, which may help to simplify the explanation of the bill. This is a map of Etobicoke Township, and I shall point out on it, as I go along, the crossings and areas to which I shall be referring.

The basic purpose of this bill is really very simple. When the Railway Act was written it was not envisaged that the cities would spread the way they have, and there was a limitation in the description of cities, towns and townships. Many of the larger cities of Canada have spread through adjoining townships or villages, and these villages and townships now have a density of population as great as or actually, as in the case I am going to explain to you, greater than that of the city itself. Certainly the Township of Etobicoke here has a greater density of population than the town of Weston which is up here (indicating). With the growth of the cities into the townships, the main lines of the railways running through the built-up area of a township had to obey the statutory clause in section 308 of the Railway Act and engines had to blow, sound their regular four blasts on the whistle starting at eighty rods, I think it is, from the crossing and be actually blowing while the engine is crossing the highway.

This area here (indicating), the shaded area, has a population now of some 11,000. In connection with that it may be interesting to note that any area having a population of over 10,000 is called a city in the province of Ontario. Because of geographical conditions in this district—and this applies to several other districts around Toronto—you cannot take this area out of the whole township and call it a city or call it a town because if you did so you would take much

of the taxpaying area out of the township, and that would mean that you would almost bankrupt the rest of the township. These are municipal facts, and I am just bringing them to your attention. So, in order to have a balanced economy in a township, this populated area must remain part of the township by name, for taxation purposes. The question of taxes must be considered for the entire township. Nevertheless, this district is extremely highly built up.

The main line of the C.P.R. passes from the Lambton Mills part of the township through the Islington area and has five crossings where there are wig-wags of one kind or another or a system of gates, and three unprotected crossings. Here are the three crossings which are not guarded (indicating on map). There are emitted from trains passing through on the main line of the C.P.R., some seven hundred signal whistle blasts during the course of a single night at these crossings. Night is considered to be from seven o'clock in the evening until seven o'clock in the morning. That means that there is an almost continuous and perpetual din going on in this residential area.

I have a great many letters here to substantiate my submission, but as I promised the chairman that I would take only ten minutes now, I will leave the presentation of them for later on. Basically, what the bill asks is that where you have built-up areas in a township such as this, these areas may be considered in the same way as a town or city where there is a statutory clause dispensing with whistle blowing. The bill is not—and I want to emphasize this—a blanket bill. There is no intention that it should be a blanket bill. For example, referring to the map again, here is another railway crossing the north part of the township and here is another railway in the extreme south. Both of these are main lines but one railway passes through the industrial section and the other one passes through the rural area. The request is only made for the stoppage of train whistling while passing through the residential section. No request has been made or is being made under the bill that the whistle blowing be dispensed with at crossings up here in the rural area or at crossings down here in the factory district. That is the first point I want to emphasize.

The second point I want to emphasize is this. As the Railway Act now reads, at any crossings where the municipality wants to have whistling dispensed with, this warning cannot be done away with unless the safety measures at the specified crossings are approved by the Board of Transport Commissioners. So the matter of safety is already looked after. It is not a blanket bill at all. It merely wishes to overcome a very real and a very definite menace to the health of residents of areas similar to the designated area in Etobicoke Township.

One more thing, and then I will close my introductory remarks. This township anyway, and I understand other townships which are interested, are willing to assume the same liability as towns or cities; in other words, that of relieving the railway engineers or the railway trainmen if there is an accident, by undertaking the insurance or the liability in a manner similar to that followed in towns and cities.

I think, sir, that is the basis of the bill. It merely wants to extend the wording. I will just read to you the clause so there will be no difficulty about it.

"308, (2): Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, such by-law shall, if approved by an order of the board, to the extent of such prohibition relieve the company and its employees from the duty imposed by this section."

That is the way the bill reads now.

My proposed bill 3 merely asks after the words "city or town" shall be added the words "or of a township or village situated contiguous to or near such city or town". The second part of the clause is very definite. It says:—

(3) Where a municipal by-law of a city or town, or of a township or village situated contiguous to or near such city or town, prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, or township or village, such by-law, if approved by order of the Board, shall, to the extent of such prohibition, relieve the company from any penalty or liability under this section.

So that it does not take the prohibition of whistling out of the hands of the Board of Transport Commissioners who must satisfy themselves that each crossing is adequately protected if whistling is being dispensed with.

And now, sir, I think that is all I have to say at the moment. I have a lot of evidence here but I will deal with that at another time.

The CHAIRMAN: Thank you, Mr. Adamson.

We have a number of witnesses here who have asked through the Minister of Transport and through their associations to be heard in connection with this matter. We have Mr. Hugh Wardrope, Assistant Chief Commissioner, Board of Transport Commission, Ottawa. Is it your wish that Mr. Wardrope be heard, gentlemen?

Some Hon. MEMBERS: Agreed.

Mr. Hugh Wardrope, Assistant Chief Commissioner, Board of Transport Commissioners, Ottawa, called:

The WITNESS: Mr. Chairman, the Board I may say has in its long experience every sympathy with and understanding of the affliction that so many people now suffer through the statutory blowing of whistles at crossings outside of cities or towns where no by-laws have been passed prohibiting the blowing of these whistles. The Board if it is at all possible will be glad to see some measure of relief for a lot of these people. But at the same time, referring to the present proposed bill, there are features that give the Board some concern. First of all, the former section of the bill proposed to be amended is now quite specific. It offers relief—I refer to section 308—to towns or cities where they pass a by-law and where that by-law is approved by the board. Well now, that is quite specific. This phraseology tends to reduce the specific part of the clause to something more abstract and more general. For instance, it would be the duty of the Board, if it passes, to administer the bill, and one of the questions before this board is the question of "near"; how far is "near". The word "contiguous" is not so difficult; it means touching, or something like that; but "near" covers a lot of territory. Now, it may be that the board might get into this difficulty; there might be a by-law of one town or village where possibly what they might consider "near" to a city would be quite different from the application the same term might have in another case. That is one of the difficulties. We are the ones who will have to administer the Act and we feel that it may lead to some recriminations and injustice.

That is only one point. The more serious point to our mind is this. To the extent it proposes to embrace this new tariff rate, it tends to lower the barriers of protection now existing at these crossings by reason of whistle blowing. Now, I think you will all agree with me when I say that while whistle blowing may be a nuisance to many people it is a certain protection and warning at all of these crossings. There are 33,000 crossings in Canada

and, as some of you are aware, of these unfortunately only about 3,300, in round figures, are now protected in any one form or other. And, let me say, that protection is an expensive item. At all these crossings where the whistle is sounded as a protection or as a warning it is a protection not only for the people on the highway, but also a protection to the travelling public on the railway. There is no getting away from that. And now, the more whistling is eliminated or restricted outside of cities and towns the greater the danger to the public at large will be. The more you lower whistle blowing at these built up places outside of cities the more you lower protection to the public. If that protection is taken away something may have to be put in its place. I think the municipalities which get this relief will have to be prepared to share in the cost of protection. We are trying to make the picture as clear as possible, and I am putting forward what I have in mind from our point of view and the public point of view.

Take the ordinary crossing. Once a train gets out of the city it gets away from the part where it has to go slower. Trains have got to move quickly these days. They have got to travel and be allowed to travel quickly to serve the public. If there is no warning at all these crossings that they may go over I frankly fear a considerable rise in the crossing accidents we may have unless some other form of protection is there. This will have to be considered by all those concerned. Take a bell and wigwag at a single track where the circuits are not too complicated. For a single track that will cost for flashing lights \$2,500 to \$3,000 for installation and perhaps \$200 to \$300 for maintenance each year. If you have a double track with circuits that are not too complicated that will go up to perhaps \$4,000 or \$4,500. With automatic gates attached to flashing lights and bells and wigwags, which undoubtedly is the best form of protection devised yet outside of subways and grade separations, that may go up to \$9,000. Some of them are going up to \$9,000 now and cost \$300 or \$400 a year for maintenance. Somebody will have to pay for that.

I merely want to point out these two difficulties, first of all the difficulty, as we see it, of interpretation. It has a tendency to reduce specific legislation to more general legislation. I think we are all agreed that is not desirable if it can be avoided. Secondly it tends to reduce the protection when protection is needed at crossings both for trains and for the travelling public more than ever to-day.

By Mr. Stephenson:

Q. I should like to ask one question. If proper signals are installed at these crossings is it necessary for trains to blow whistles?—A. Yes, it is still necessary under the present Act.

Q. Even if signals are installed?—A. Yes.

By Mr. Beaudoin:

Q. May I ask you if subsection 2 of section 308 was in the original Railway Act?—A. I am afraid I could not answer that question.

Q. I should like to know when and why it was introduced?—A. To my knowledge it has been in there since the last revision of the Act, 1919, anyway.

By Mr. Adamson:

Q. Would it overcome your first objection if we altered the amendment and used the word "contiguous" only? That would make it specific.—A. Yes, that would facilitate interpretation. I would not like it to be understood that the board is objecting to the principle in this at all. The board is in full sympathy if something can be done that is reasonably safe to afford or extend

the relief now available in the Act to the more densely populated sections. "Contiguous", of course, is easier to interpret. I do not think there would be any difficulty there.

The CHAIRMAN: Are there any other questions you would like to ask Mr. Wardrope?

By Mr. Robinson (Simcoe East):

Q. Before approving a bylaw from a town do you satisfy yourself as to the other safety precautions at any particular crossing mentioned in the bylaw?—A. When the bylaw is submitted from a city or town one of our inspectors goes out and views all the crossings and makes a report on it to the board. It does not necessarily follow that the board orders automatic protection for any of these crossings. It may not, but in approving a bylaw it does not always approve the bylaw in toto if certain of the crossings are of such a nature that the board feels it to be entirely too unsafe.

Q. In other words, the bylaw will apply to the particular crossings which the board feels are safe without the ringing of the bell?—A. Reasonably safe in the locality.

By Mr. Beaudoin:

Q. That applies mostly to big cities?—A. Yes.

By Mr. Robinson (Simcoe East):

Q. The board could make up its mind in the same way with respect to the population of a township or part of a township?—A. Yes, it could.

The CHAIRMAN: Are there any other questions? If not, I believe we have Mr. A. J. Kelly, Chairman of the Dominion Joint Legislative Committee, Railway Transportation Brotherhoods, Ottawa office.

Mr. BEST: Mr. Kelly was not able to come this afternoon. He had another appointment. Five members of our committee are here.

The CHAIRMAN: Have you a spokesman appointed?

Mr. BEST: There are representatives from the Brotherhood of Locomotive Engineers, the Order of Railway Conductors, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railroad Telegraphers, and the Brotherhood of Maintenance of Way Employees. We have five of the six so-called railway brotherhoods represented to-day.

The CHAIRMAN: Do you mind introducing them? Do you know who is here?

Mr. BEST: I would be very glad to do that. There is Mr. H. B. Chase on my left, Dominion Legislative Representative of the Brotherhood of Locomotive Engineers; Mr. J. L. D. Ives, Vice-President of the Order of Railway Conductors; W. H. Phillips, Vice-President of the Order of Railroad Telegraphers, and Mr. J. J. O'Grady, Vice-President of the Brotherhood of Maintenance of Way Employees.

The CHAIRMAN: Would you mind giving us your name?

Mr. BEST: W. L. Best, representing the Locomotive Firemen and Enginemen. I happen to be secretary of the committee and probably had the first correspondence with the committee. The secretary kindly wrote me. I think we filed a letter first on the matter.

The CHAIRMAN: We have you here on the list, Mr. Best.

Mr. BEST: I feel quite sure that the representative of the Brotherhood of Locomotive Engineers will want to say something on this. This is merely an acknowledgment of the secretary's letter we wrote on April 15. The first paragraph is merely an acknowledgment of the secretary's letter which we wrote on April 15 and refers to Bill No. 3. The body of the letter reads this way:—

For your information, the Dominion Joint Legislative Committee of the Railway Transportation Brotherhoods, when meeting with the Prime Minister and his colleagues on the 9th instant, briefly referred to the Bill in question and suggested that if the scope of Section 308 was extended to include townships and villages, it seemed to us of vital importance that assurances be given that adequate protection would be provided at level crossings within the limits of such townships and villages as may pass a by-law to prohibit the sounding of whistle and ringing of bell. In other words, if the protection now provided in Section 308 for the audible warning of whistle and bell is removed, some other reliable and equally effective warning signals should be provided as protection to the public, the prevention of unnecessary accidents, and the conservation of human life and property.

Any one of the 33,000 level crossings in Canada mentioned by Commissioner Wardrope is a potential hazard not only to the operating employees but to the public who have to use the highway itself. Under subsection 3 of section 308—which by the way, was inserted in the Railway Act in 1919—if a by-law is approved under that subsection to the extent of that approval, as has been intimated, the employees of the company are relieved of responsibility. It might be said, "Well, you have not very much kick", but we are interested in avoiding accidents. The operating crew, of course, is involved in any accident that may happen at a level crossing, and sometimes it may be an accident to the train crew itself, depending on the seriousness of the accident. I do not think we can say anything. We are not opposing the bill. It is just the suggestion as contained in that paragraph that if you take away the audible signal, then there is a responsibility, and however the cost of it may be apportioned by the board, who have jurisdiction to administer, there must be some additional protection, in our opinion, to take the place of the sounding of the whistle and the ringing of the bell. I feel quite sure probably Mr. Chase and Mr. Ives may want to add something because Mr. Chase represents the eagle eye.

The CHAIRMAN: Thank you very much. Is it your wish to hear Mr. Chase at this time?

Some Hon. MEMBERS: Yes.

Mr. CHASE: Mr. Chairman and gentlemen: I have not very much to say other than this. The men I represent, namely, the locomotive engineers, would be very happy if they could get away from blowing whistles. They have no desire to wake people up in the small hours of the morning nor have people any desire to be wakened up, but there is this to it. As Mr. Wardrope has said, it is a problem to that engine crew to a very considerable degree. I do not suppose any of you men have ever been so unfortunate as to be on a locomotive which has run into an automobile and killed three or four people. We have had cases where engines have struck a gasoline truck and the engine crew have been burned to death by the flaming gasoline. You can readily understand from our standpoint it is a protection to us.

There is another thing. When I say that they would be pleased to get away from it, in the olden days locomotives only carried around 150, 180 or up to 200 pounds of steam. To-day it is up to 275 pounds of steam. With that whistle tapped in at the front end directly into the superheated steam if you want to get your ears knocked off just get up on the cab of an engine when an engineer blows the whistle for every crossing. You will wish you were

any place but on that engine. I do want to coincide with what my friend, Mr. Best, has said and with what Mr. Wardrope has said. Put the protection there. Have these crossings properly protected, and as far as we are concerned it will be fine and dandy. We will be happy to quit blowing the whistle.

Mr. McIVOR: Therefore the crews are not in favour of this amendment.

Mr. CHASE: We are not opposed to it if you make arrangements to have crossings properly protected. That is the first thing.

The CHAIRMAN: Gentlemen, we are considering the bill in its present form. The reference is not in connection with recommending any further protection much as that might be desirable. The reference is to consider the bill as presented by Mr. Adamson. I want to make that clear.

Mr. MUTCH: Is not the element of protection handled by the board itself because it appears to be clear that even should the amendment carry the municipality making the application would first have to satisfy Mr. Wardrope's board before this could be effected. Is that not correct? So that we would have to look for additional protection not to the terms of the bill itself but to the board.

The CHAIRMAN: That is right.

Mr. EMMERSON: What is involved in the installation of proper protection? That is, where does the expense come in, Mr. Chairman? It is expense to whom; to the municipality?

The CHAIRMAN: Mr. Wardrope could perhaps answer that.

Mr. WARDROPE: Usually, as I suggested before, in the case of a single bell and wigwag on a single line, \$3,000, say. The board has what they call a grade crossing fund. That is only applicable to the protection of grade crossings in existence before the year 1909 under the Act, and the board can make a contribution of 40 per cent of the cost of automatic protection or of the cost of grade separation. There are factors in certain cases that vary; but as a general principle it will be found that the balance of the cost has been divided equally between the railway and the municipality concerned.

Mr. EMMERSON: What about maintenance?

Mr. WARDROPE: The maintenance usually follows the cost of construction and is divided equally between the municipality and the railway.

Mr. McKAY: I should like to have an expression of opinion from the witnesses, or at least from the representatives here of the running trades, as to whether they think that the wigwag signals are adequate protection against accidents.

The CHAIRMAN: Do you wish to address that question to Mr. Best as secretary or to Mr. Chase? Perhaps it should be addressed to Mr. Best.

Mr. BEST: There is only one safe protection and that is the separation of the level crossings. A wigwag is not absolute protection. We have gates at Bronson avenue in the city of Ottawa. On a slippery pavement, with people who want to be careful, they may not be adequate. A lady went right into the side of a Canadian National Railway train because, as she tried to stop, the wheels of her car locked; the car just went into the side of the train and it smashed her car to pieces. Fortunately she was saved from accident. We have had cars go into the side of a train and break the brakeman's leg in the city of Toronto.

Mr. McIVOR: When the wigwag was going?

Mr. McKAY: No. That is a gate.

Mr. BEST: There were gates there, Mr. McIvor. There are gates at Bronson avenue, and they are down with the light showing towards the highway and hooded towards the way a train would be coming. That is just an indication that

Mr. WARDROPE: I think we can get that information for you. I will try to have the department do that. Who shall I have that sent to?

The CHAIRMAN: To the chairman.

Mr. MUTCH: I move that we adjourn.

Mr. ADAMSON: Mr. Chairman, might I just add one thing, as the question of the behaviour pattern of motorists with regard to wigwags and whistling has been questioned. I have some evidence here that I think might go on the record at this first meeting of the committee.

The CHAIRMAN: Mr. Adamson, a motion has been made to adjourn. A motion to adjourn is always in order. If that is withdrawn, we can proceed.

Mr. MUTCH: I am perfectly willing to withdraw it. I thought we were finished.

The CHAIRMAN: The motion being withdrawn, go ahead, Mr. Adamson.

Mr. ADAMSON: It will not take me more than three or four minutes. This issue has so vitally affected the area I speak of that several of the district committee spent an entire night at one of these crossings watching the behaviour pattern of motorists. The night was August 3rd of last year and the crossing was at Royal York Road and Dundas Street which is a main line crossing. I think it is rather interesting because it points out that the wigwag is the controlling feature, not the whistle. It is the wigwag that the motorist watches, and pays attention to. I will just read you the behaviour pattern and what happened:—

At 9.23 p.m. the wigwag and red light came on and traffic, 2 cars eastbound and 1 car westbound stopped 1 minute before the train whistle blew only 50 feet from the crossing.

At 9.45 p.m. the wigwag and red light came on and 2 cars stopped 1½ minutes before the train whistle blew. All traffic stopped when red light flashed.

At 10.22 p.m. no cars crossed at all at crossing.

At 10.31 p.m. 1 car westbound stopped at wigwag which was 2 minutes ahead of the whistle.

At 10.55 p.m. 1 car only stopped by wigwag 1½ minutes ahead of the whistle which blew for the first time while the engine was actually on the crossing.

At 11.07 p.m. 3 cars eastbound, 1 westbound stopped at wigwag and red light 1 minute ahead of whistle, which blew only 40 feet from the crossing.

At 11.09 p.m. 2 cars westbound, wigwag stopped them 1½ minutes before the whistle blew.

At 11.25 p.m. bus eastbound stopped 4 minutes ahead of train whistle.

At 11.32 p.m. 1 car stopped by wigwag 45 seconds ahead of train whistle.

At 12.26 a.m. no cars, no pedestrians.

At 12.40 a.m. no cars, no pedestrians. Train whistle blew for first time crossing crossing.

At 1.11 a.m. no cars, no pedestrians.

At 2.12 a.m. no cars, no pedestrians.

At 3.07 a.m. no cars, no pedestrians.

At 3.56 a.m. no cars, no pedestrians.

At 4.12 a.m. no cars, no pedestrians.

This is the busiest crossing in this area and when there was traffic the wigwag and red light was from 45 seconds to 4 minutes in advance of the train whistle. There are 6 level crossings in less than 1 mile in a closely congested area of approximately 9,000 people. From 7 in the evening until 7 in the morning about 30 trains blow 4 shrieking blasts for each crossing or a terrific total of 700 sleep disturbing whistles every night.

That shows the committee that it is the wigwag which controls the motorist and not the train whistle. Motorists see the wigwag. It is the wigwag that they are dependent upon.

I do not want to take up any more time of the committee. I am quite satisfied that any of the townships I am speaking of would be prepared to go very far with you, with the gentlemen of the brotherhoods, and with the Board of Transport Commissioners in installing safety measures.

That is all the evidence I have, to present at the moment. I thought it was germane to the evidence already given. I thought you would like to see exactly what does happen when the semaphore swings and lights.

Mr. BEAUDOIN: I move we adjourn.

The CHAIRMAN: It has been moved that we adjourn. Is it your pleasure? Carried.

The committee adjourned at 4.51 p.m., to meet again on Thursday, June 27.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

JUNE 27, 1946.

The Standing Committee on Railways, Canals and Telegraph Lines met this day at 4.00 o'clock p.m. The Chairman, Mr. Louis O. Breithaupt, presided:

The CHAIRMAN: Gentlemen, we have a quorum now, so we will proceed with the deliberations of the committee. At the last sitting, Mr. Stephenson asked for information in connection with grade crossing accidents. I have received a letter from Mr. Hugh Wardrope of the Board of Transport Commissioners in which he encloses a statement in this connection. The letter reads as follows:—

In conformity with a request of one of the members of your committee sitting yesterday in room 268, I am enclosing herewith in duplicate a statement covering a period of four years, showing the accidents which occurred at level crossings throughout Canada during that period.

The statement gives in its summary the accidents involving death and injured at protected crossings and unprotected crossings, giving the killed and injured at each, respectively.

I suppose the best procedure in this connection is to embody it in the record. I have an extra copy here for Mr. Stephenson who asked the question. The statement is quite detailed, but as we will likely have another meeting, there is probably nothing in the statement which needs to be discussed now. The statement reads as follows:

June 26, 1946.

LEVEL CROSSING ACCIDENTS

	GATES			FLASH LIGHT AND BELL			BELL AND WIG-WAG			BELL			WATCHMAN			UNPROTECTED			TOTALS		
	A	K	I	A	K	I	A	K	I	A	K	I	A	K	I	A	K	I	A	K	I
1941.....	7	3	8	.....	.....	.....	40	20	68	12	2	14	9	2	11	312	110	420	380	137	521
1942.....	6	2	7	2	.....	2	44	25	64	11	.....	21	6	.....	11	272	119	371	341	146	476
1943.....	5	.....	5	1	.....	2	37	17	57	7	15	6	2	1	3	249	78	366	301	111	439
1944.....	10	2	13	3	1	6	46	25	49	10	4	12	3	1	4	268	108	363	340	141	447
	28	7	33	6	1	10	167	87	238	40	21	53	20	4	29	1,101	415	1,520	1,362	535	1,883

Summary of Totals—4 years—

	A	K	I
Protected Crossings.....	261	120	363
Unprotected Crossings.....	1,101	415	1,520

Symbols:

A—Number of Accidents.
K—Number Killed.
I—Number Injured

It was agreed at our last meeting that we would hear further evidence on the bill, Mr. Adamson's bill, No. 3; and today I am very pleased to announce that we have Mr. Spence, solicitor for the Canadian Pacific Railway, Mr. Macdougall, assistant solicitor for the Canadian National Railways, and Mr. Matthews from the Transport Department. If it is your pleasure, I shall call upon the first named as a witness, Mr. Spence, the solicitor of the Canadian Pacific Railway, Mr. Spence!

Mr. K. D. M. Spence, Solicitor, Canadian Pacific Railway, called:

The WITNESS: Mr. Chairman and members of the committee, Mr. Macdougall is with me, representing the Canadian National Railway, while I represent the Canadian Pacific Railway; so between us we represent the Railway Association of Canada. The railways are not opposing the principle of this bill. We realize that there are some municipalities which are, to all intents and purposes, a part of a city or town but which are deprived of the advantage of section 308, as it is worded at the present. However, there are some points about the bill that we would like to mention to the committee.

The first point relates to the words "contiguous or near". The clause reads:—

(2) Where a municipal by-law of a city or town, or of a township or village situated contiguous to or near such city or town," and so on.

We suggest that these words are perhaps a little too broad, and that they might be changed to something more precise; or that, perhaps, the words, "or near" might be struck out. It is the old question of how far is "near." From the distance away of Vancouver, Ottawa seems very near to Montreal, to carry the illustration to absurdity, of course. But from Ottawa, Montreal is actually 111 miles away. Each municipality may think that it is near enough to a city or town to be given the advantage of this bill. The matter would then be left entirely to the discretion of the Board of Transport Commissioners. Perhaps the board might not welcome the idea since it would lead, we feel, to a number of troubles, differences of opinion, and cases, before the board which, at the present time we do not have because the Act is precise.

I suggest that the words: "or near" be struck out. Perhaps that would not cover some meritorious cases because, if it is left only to municipalities that are contiguous, that is, actually with one boundary touching the boundary of a city or town, there may be some cases in which there is a slight separation of boundaries, and the result would be that the municipality could not take advantage of the bill.

Another suggestion is that we substitute the words, "metropolitan area". We might say: contiguous to or within the metropolitan area of such a city or town. I am not satisfied with either, because we would first have to define what is a metropolitan area; but first of all it might make it a little more precise than the word "near".

Now, on the general question of a possible extension of the power to pass anti-whistling by-laws, we think there are dangers that require very serious consideration. Many people of course are inclined to regard the whistling of locomotives as nothing but a public nuisance, whereas, in fact, it is, of course, designed to save human life. In cities and towns the danger is not so great because railway traffic and highway traffic are much more moderate than they are away from the cities and towns. But even in a case such as Islington, for example, we have trains travelling at very high rates of speed, sometimes as much as seventy to eighty miles an hour across level crossings, which are protected at the present time by either wigwags or gates, and in some cases they are protected as well by whistle signals. We have a double track line there and we have trains travelling very fast on both lines. When a man driving a car comes to one of those crossings he sees the wigwag working and sees a train pass, and the wigwag continues to work after the train has passed. It is not popularly known that a wigwag is designed to stop as soon as the end of a train passes the crossing. A motorist will see a wigwag still working and will drive across. If we have a whistle signal for a train coming the other way, the motorist will have that additional warning; but if you remove the whistle signal, he has no warning at all, so far as he knows. There is that danger at all crossings where there are two tracks.

Then, if we extend immunity from whistle signals, we increase the danger of derailment of trains by accidents, and danger to the engine crews, and danger to the passengers in the train arising from a sudden application of the emergency brake. We have had cases where trains parted into two or three sections when the brakes were applied suddenly because of a motor car on the crossing. We also have difficulty, if we get too many of these anti-whistling by-laws, the difficulty of giving instructions to our engineers who, particularly, if they be on a line that is not altogether familiar to them, may not know where one community ends and another begins, where the whistle must be sounded and where it may not be sounded. That is something for the railways to face; but with the human element involved, it may, at times, lead to accidents which might otherwise not have occurred. Then, if we extend this principle too far, the common law liability on the railway companies to take adequate precautions to avoid an accident, regardless of whether the statute says they must do so or not, is going to be increased if it is left more and more to the engineer of the train to make a split-second decision on whether or not he should blow the whistle, a decision that involves the lives of the public and perhaps \$1,000,000 worth of property.

Secondly, to sum up, while the railways are not arguing against the idea behind this bill, because we think it is a fair and reasonable idea, that is, to give to communities that are really parts of cities the right to pass the same sort of by-law that cities do—while we are not opposed to the idea behind the bill, we are afraid rather that the language employed may be broad enough as it stands at the present to permit an extension or application of section 308 far beyond what the drafters of the bill really intended it to reach, and also very much beyond the limits of public safety. I have nothing further to add unless the committee desires information on any particular point.

The CHAIRMAN: Are there any questions you would like to ask Mr. Spence?

By Mr. Campbell:

Q. Do the flashing lights ever get out of order?—A. They are designed to operate continuously if anything goes wrong. It is a very complicated wiring system. It is in a series of relays down the tracks; and if any one of those relays goes out of order, the lights flash continuously. The same thing applies to the wigwag. There is a possibility that the very last circuit, the circuit which leads to the lights, might get out of order; but that is a very, very rare occurrence; and as a rule the lights signal themselves if out of order, while signalling to the public that there is danger.

Q. Is it possible to draft a bill so that it would apply only to crossings where there is supposed to be adequate protection, or would that make it too much involved?

Hon. Mr. CHEVRIER: That is done already by virtue of the Board of Transport Commissioners.

The WITNESS: Yes, the board may select crossings at which it permits a by-law to eliminate whistling.

Hon. Mr. CHEVRIER: May I follow up the question that was asked. Assuming that this section were passed or a section similar to it, is there still not an obligation on the part of the Board of Transport Commissioners to see that, when a by-law is passed by a municipal corporation covering crossings such as this, the crossings are adequately protected before the by-law is accepted by the Board of Transport Commissioners?

The WITNESS: Oh yes, I understand it is still within the discretion of the Board of Transport Commissioners whether or not to approve the by-law. The only difficulty we foresee is that cases farther and farther away from cities and towns will be put up to the Board of Transport Commissioners and there may be considerable confusion as to which community is entitled to it.

The CHAIRMAN: The difficulty would be to define the words: "metropolitan area", and what is "contiguous".

The WITNESS: Yes, and what is "near". That is really the essence of the difficulty that we foresee.

By Mr. Hatfield:

Q. How many times is the engineer supposed to blow his whistle?—A. One set, one long and two short.

Q. The engineer, of course, is obliged to do so by statute?—A. Yes, the engineer is obliged by statute and by regulation of the board to give one long and two shorts, and if he sees a car approaching which he thinks should be warned still further, he may give a further whistle signal.

Q. I mean, when there is no car on the road, say about five o'clock on some Sunday morning. I live in a town where it often occurs. Some smart engineer wants to wake all the people up on some Sunday morning and he blows his whistle fifteen to twenty times while going through the town. It often happens. What about that?—A. I would like to have it reported to the general superintendent or to the officials of the railway. We frequently do get complaints from municipalities saying that the whistle is being blown unnecessarily; and we check up on our engineers and tell them to curtail their whistling to the minimum necessary for public safety. I believe in most cases they do so. If there are any cases such as you mentioned, we would be very glad to know about them.

By Mr. Emmerson:

Q. Where there is a wigwag, do they have to blow for that crossing?—A. Yes, regardless of automatic protection.

By Mr. Robinson (Simcoe East):

Q. Mr. Adamson's explanation of the bill at our last meeting referred to only one municipality which was in the neighbourhood of Toronto. Do you know how many municipalities there are to which this bill might properly be made applicable throughout the whole Dominion?—A. We hoped that it would be limited to Toronto and Montreal. I cannot give you that information off-hand, but I could get it for you and present it to the committee later.

Mr. McCULLOCH: The train goes through towns just the same as through cities.

By Mr. Robinson (Simcoe East):

Q. If the bill is designed to meet the situation in metropolitan areas, how many places in Canada would it apply to?

By Mr. Stephenson:

Q. As I understand it this bill applies to towns. Now there are a lot of towns which requested it to be done and they are within the present law; but it does not say that it applies to villages and townships.

Hon. Mr. CHEVRIER: The section as it now stands is on the other page. That is the law as it is today, section 308: This section is to break it down further and make an exception.

Mr. STEPHENSON: In fairness to those municipalities which adjoin the larger cities, it is only fair to give them the same right. You may have a population of from 20,000 to 30,000 in a township, and on the other hand you may have a population of only 6,000 in a municipality, as is the case in the

municipality where I live; yet in the latter case we might apply, yet the township with 20,000 is not entitled to do so. We are asking that this law apply to municipalities adjacent to cities.

Mr. ADAMSON: This municipality has a population of somewhat over 11,000, and the town of Weston has, I think, a population of some 7,000 or 8,000; yet the town of Weston can and has applied for the relieving prohibition; whereas this municipality cannot apply for it. I explained to the committee yesterday why you cannot take the built-up area of this township out and call it a city or town because of its relationship to the over-all economic tax structure of the whole township; it would be grossly unfair to the rest of the township to do so.

Hon. Mr. CHEVRIER: You asked, Mr. Stephenson, if that is not right. The answer depends on what is contiguous to or near.

Mr. STEPHENSON: You would have to modify it or make it specific. "Near" would be hard to define; but in a case where it joins a largely populated city, they ought to have the right to apply the same as the town I live in.

Mr. MUTCH: There does not seem to be any great difference of opinion as to the desirability of the municipalities, in the circumstances, being able to protect themselves. Above all, there remains to be considered whether Mr. Adamson's bill does, in fact, effect the relief desired; and secondly, whether it does so the best way it could be done; and there is another point, whether it exceeds the necessity.

Hon. Mr. CHEVRIER: I think the bill meets the situation in this particular municipality; but the question is, whether it would do so elsewhere.

Mr. MUTCH: Does it do so in the best way, or does it change the Act in a way that is less desirable than in some other way. I should think that the witnesses would know whether or not this bill meets the need, whether it does so in the best way; or whether there is a better way. Mr. Adamson is concerned in getting relief for his people; we should have expert advice on whether we are going far enough.

Hon. Mr. CHEVRIER: That was the object in sending the bill to this committee.

The CHAIRMAN: Would Mr. Spence care to give an opinion on that? He is still being questioned.

Mr. ADAMSON: I am perfectly willing, if the witness objects to the words "or near", to have them struck out of the bill. I think that would meet nearly all the objections mentioned so far except those which relate to double crossings.

The CHAIRMAN: I had really called on Mr. Spence.

Mr. ADAMSON: I am sorry, Mr. Chairman, for butting in.

The CHAIRMAN: It's all right.

The WITNESS: I would say that if the words "or near" were struck out, we could have very little further objections. I gave the example of the double crossings in order to illustrate the dangers prevalent everywhere at railway crossings where there were no whistles. That, of course, is the case just inside boundaries of Toronto, if there is a crossing of a similar kind there. It is the case, just the same inside boundaries as it is in Islington. Trains are slackening speed if they get inside to some extent, and Islington is a community which, in fairness, we think should be allowed to submit its case to the Board of Transport Commissioners for a by-law. In spite of the fact that there is a series of double crossings there, that is a matter which perhaps the board will consider in deciding whether it will approve the by-law or not. I was not trying to single out Islington; I was only giving that crossing because I

happened to see the map there on the wall, and I am familiar with it. What I meant was that there is a danger at all crossings all over Canada, and the more widely we expand the delays in whistling the greater the dangers.

The CHAIRMAN: Is your home in Islington?

The WITNESS: No, my home is in Montreal, but I know these crossings.

By Mr. Adamson:

Q. I have known these crossings pretty intimately. I realize the difficulty, but the whistle of the other train does not help; the wigwag still goes. The train that has already crossed the platform makes so much noise that the motorist is likely to cross because he cannot hear the whistle of the approaching train. The warning bell of the approaching train does not help the safety of highway traffic, because the noise made by the train in passing is so great that the whistle of the oncoming train is not heard by the motorist.—A. Yes, there is that difficulty, I admit. Also there is the train which has passed, so that the sound does not get across the crossing.

Q. That cuts it out too, so that the whistle is not a safety measure in the case of the double crossing.

The CHAIRMAN: We might hear from Mr. Macdougall now. He is the assistant solicitor of the Canadian National Railways.

Mr. J. W. G. Macdougall, Assistant Solicitor, Canadian National Railways, called:

The WITNESS: Mr. Chairman and members of the committee, as Mr. Spence said, he and I are jointly representing the Railway Association of Canada and I personally am representing the Canadian National Railways. I should like to say that I am in complete agreement with what Mr. Spence has said, and the main point in our mind is that the interpretation which could be put on this amendment would be too wide for it to be a proper one. I should also like to make it clear that the Canadian National Railways do not object to this amendment being made or to this bill being passed, but they do wish that the views of their operating officers as to the effect of such an amendment be put before you. Mr. Spence has mentioned most of the effects of this bill and in general the main objections against any widening of this regulation as an additional increase of hazard to the public. It is not a railway matter, it is a matter of the public. That is a question which is one for the House to decide—whether or not it is going to take on this additional obligation of putting this extra burden on the population.

There were several things Mr. Spence did not mention which are inherent in this additional hazard. One is the fact that if this bill were ratified in as wide a form as it is now it would be possible for an engineer to cover a whole run of 50 or 60 or 70 miles in a fairly populous area without once having to blow his whistle. The applications that would come in from all over the country under such a bill which allowed villages which are near cities or towns to make application could reduce this section to something which is worthless, and you would have trains covering long stretches of their runs without blowing whistles at all. That increases the danger.

Hon. Mr. CHEVRIER: Do you mean that a train entering the province of Ontario from Montreal at the Quebec border would travel almost right through to Toronto without blowing its whistle if all the villages contiguous to cities or towns made applications for the passing of a by-law and they were approved by the Board of Transport Commissioners?

The WITNESS: If that interpretation were put upon this section it is possible that could happen. Possibly it is an exceptional case and a stressed argument, but it is possible; but I should like to reiterate what Mr. Spence said about the difference in the speed of trains in rural and urban areas. At the present time section 308 of the Railway Act applies to cities and towns where the normal speed of vehicles is 25 or 30 miles an hour and trains also are operated at considerably reduced speed. If a wide interpretation were to be put upon this amendment, or if it allowed a wide interpretation, then you would have the prohibition against whistling and ringing of the bell in area where motor vehicles are travelling at 50 or 60 miles and trains travel at 80 miles an hour. The great worry of the railway is not necessarily the great worry of the public although the railway is interested in the public welfare. Then again, the more you increase this anti-whistling regulation the wider you make it and the greater is the danger of chances of derailment of a train. Every time there is a collision you have the danger of derailment when cars run into the side of trains and get under the wheels. There is that danger of derailment and serious injury or death to the passengers of the trains as well as to the people in the vehicles. I agree with Mr. Spence that should the words "or near" be taken out of the bill that would improve it tremendously and a great number of the objections would be nullified. I think it is most important from the railway point of view that the bill be made as specific as possible so that it leaves no chance for the dangers I have mentioned to creep in.

Hon. Mr. CHEVRIER: If you take out the words "or near" is there still not some objection? What I have in mind now is not the case we are dealing with, but towns and cities like Belleville, Oshawa and Cornwall, where there is a municipality and alongside of it there is a township with a population of maybe 2,000 or 3,000. It would mean that these municipalities could apply for a by-law such as is required here. Would it not be much better to limit the scope of this Act to larger areas like Toronto and put in a limitation with reference to population in addition to taking out the words "or near"?

The WITNESS: I think personally that that could be done to make it more satisfactory and to ensure that it is going to be used simply for the purpose for which it was originally conceived. That is the best policy that could be adopted.

Hon. Mr. CHEVRIER: I would like to make myself clear on this. What I find objectionable in this bill is that a municipality like the township of Cornwall—I refer to it because I know it—it is a small township and its population could apply under this and get relief and then a train might travel 40 or 50 miles without blowing its whistle at all. I think that is bad from the point of view of the public, although I would think it would not be bad in a municipality which is just adjacent to the city of Toronto. I believe that is all this bill seeks; that is a remedy for that particular situation.

Mr. MUTCH: Make the limitation to places contiguous to a city of 100,000.

Mr. STEPHENSON: Why the need of putting city or town in at all?

Hon. Mr. CHEVRIER: Because you already have it in section 308.

Mr. STEPHENSON: A town has that privilege; why a town?

Hon. Mr. CHEVRIER: I have no objection to taking that out. I should like to see some remedy for the situation because frankly it is not a good one; but, on the other hand, I would like to see as little by way of protection as possible taken away from the public. In other words, I should like to see preserved for the public all the rights we now have under section 308 (2) if that is possible.

Mr. STEPHENSON: It reads:—

...a township or village situated contiguous to or near such city or town...

and the town already has the privilege. You would limit it to a city?

HON. MR. CHEVRIER: Yes, having a population of 100,000 or more, or some such other limitation. I think that cuts the bill down still more, but I do not think there would be any objection from Mr. Adamson. I think he is seeking relief for his particular area.

MR. CAMPBELL: Is there a need for this bill? I listened closely to the discussion and to my mind the House of Commons should not take away any protection that the public has as far as railway level crossings are concerned. I think our objective should be to do away with the level crossings. For instance, if the House of Commons passes a bill of any kind limiting the use of whistles in the larger cities, is it not going to be a headache for the railways and the Board of Transport Commissioners to keep all the smaller towns and villages from asking for the same thing?

MR. STEPHENSON: They have that right now.

MR. ADAMSON: We have that under the Act as it is.

MR. CAMPBELL: Mr. Spence said something about the sudden braking of trains at 70 miles an hour. I was on a train two years ago when a drunken soldier, I think, pulled the cord and the emergency brakes were put on, and the engineer told us afterwards that his engine jumped, he figured, two feet off the rail and came back down again and pulled the first two cars apart and delayed the train for four hours. That might have caused death or injury to a lot of people. I do not like the bill. I think it would be possible for the Board of Transport Commissioners and the railways, knowing the feeling this raises in some of these centres, to get together and by cooperation eliminate a lot of this whistling without having the House of Commons pass a bill that I am sure is going to give us a lot of headaches and will take away a lot of the protection that the public now have.

MR. ADAMSON: Mr. Campbell, that has been tried. I have taken this up with the Board of Transport Commissioners, and this is the only possible way by which relief can be given—passing a bill through the House of Commons. I think that all the witnesses we have had before us have agreed that some relief is necessary for the condition I am speaking of around the city of Toronto, and there is another case near the city of Montreal. I believe that nearly all the witnesses have said on cross-examination that the whistle was not the primary factor of safety if you have protection by wigwagging at your crossings. This bill does not increase the power of the municipality to-day to pass a by-law asking for this relief, and the relief is not granted unless the Board of Transport Commissioners approve of the safety measures taken at the crossings.

MR. CAMPBELL: There is another point that has not been mentioned by anybody and that is the fact that we have very violent snowstorms and there will be times during those storms when a driver cannot see the wigwag working.

By Mr. Hatfield:

Q. Is it safe to operate a train through a thickly populated area over level crossings at 80 miles an hour? A whistle is no good at that speed.—A. I do not think anyone would operate a train at that speed through a town. The operation of railways always has a certain amount of hazard in connection with it, and it is regulations like this that keep accidents to a minimum.

Q. You said they operated trains through this town at 70 and 80 miles an hour.—A. If I said that I did not mean it. I am not sure what our time-table shows in that town, but it does operate in small communities at that speed.

Q. You could not operate through a town in the United States without a flagman or gates in towns.—A. I am not familiar with the American regulations, but I do know that they are governed by each city individually. They have their regulations which are somewhat similar to ours, and they vary in each state.

Mr. ADAMSON: In this case I mentioned, the town of Weston is actually farther away from the city of Toronto than the area I have given there, and the speed of the trains through Weston is probably just as high or higher than it is through this district, and yet Weston has the protection of the non-whistling clause, and this area I am referring to does not have that protection.

The WITNESS: That is quite true. We make no point of the fact that this regulation will work hardship on some people; it is bound to; and in this case it certainly seems to be doing so. We are as anxious as anyone to eliminate this noise, but the question is as to the wording of the actual bill so that it will not go farther than was originally intended.

By Mr. Adamson:

Q. If you remove the words "or near" that will remove the bulk of the objection, would it not?—A. It is my opinion if those two words are removed it would help considerably.

Q. With the safeguard that no municipality can pass a by-law and have it put into effect unless it is approved by the Board of Transport Commissioners?—A. That is the arrangement which is presently in effect.

Q. And under this Act the whistling prohibition shall only apply to such crossings as are designated by the municipality?—A. That also is the way the regulation is.

Q. That is the way the regulation reads?—A. It is not possible to pass a by-law prohibiting whistling in a town; it is only possible in relation to a specific crossing within a town.

Mr. ADAMSON: In this case there are only four or five crossings where we asked for relief. I explained to the committee at the previous meeting that the Canadian National Railways line which runs across the north part of the township, and the Canadian National Railways line which runs through the industrial section of the township are not affected, they are not a menace the way this railway is that runs through a very large residential section of the township.

By Mr. McCulloch:

Q. Do you consider the blowing of the whistle to be a safeguard?—A. It is done purely for the safety of the public.

Q. Don't you think it would be far better to blow the whistle than to have a certain number of people killed?

Mr. DROPE: Whistling has never killed anybody; but the train probably would.

Mr. McCULLOCH: The whistle might scare people enough to make them stop.

Mr. ADAMSON: The point of the bill is that we are only asking for relief at crossings that are protected by wigwags. As has been shown by witnesses appearing before this committee, it is the wigwag that stops the traveller, not the whistle.

Mr. HODGSON: If you drive a car you do not hear the whistle.

Mr. ADAMSON: Precisely; and those crossings that are not protected by wigwags will be protected by wigwags if we get this relief.

Mr. McCULLOCH: The driver of a car coming up to a wigwag might not be able to see the wigwag.

Mr. ADAMSON: Yes, and with a car closed up during a storm, you do not hear the whistle.

Mr. STEPHENSON: With regard to this particular argument, I would prefer that the matter be deferred until the next meeting. The statement submitted to us indicates that at crossings which were protected, for instance, during the

years 1941 to 1944, where it was possible to check, there were only 238 accidents where there were wigwags; and where there was no protection there were 1,520. I stopped once at a crossing where there was no signal yet the whistle was blowing. While we stood waiting, an old fellow who was apparently hard of hearing came along the other way. We watched him approach that crossing and we thought he would be hit; but he saw the train in time and drove his car into the ditch, yet the train was whistling and he did not hear it. There are lots of people driving automobiles who are hard of hearing; but most people driving automobiles have fairly good sight.

The CHAIRMAN: Are there any other questions that you gentlemen wish to ask Mr. Macdougall? I think before we consider the bill finally we should hear from the solicitor of the Transport Department; but he will probably have to wait until another meeting. Before we adjourn, if there are any other questions to be asked, now is the time to do so, when these gentlemen have been good enough to come here.

Mr. BLACK: Are there any double tracks or special crossings referred to in that municipality?

Mr. ADAMSON: The main line of the Canadian Pacific has a double track.

Mr. BLACK: I consider that double tracks are a very great menace. It is instinctive for a person, after seeing one train go by, to believe the track to be clear and to start across.

Mr. ADAMSON: The whistle does not help us. If it could be shown that the whistle helps in these cases, then there would be some objection to the bill; but the whistle in these cases does not help materially to cut down your accidents.

Mr. DROPE: We get reports only of the people who got hurt. We do not hear about the people who heard the whistle and stopped.

Mr. ADAMSON: According to the report that I gave at the last meeting, the people are activated more by the red lights than by the whistle. I gave you the details of a committee which spent an entire day checking at one of the main crossings. Their report showed that drivers will stop at a swinging wigwag or a red light wigwag, but they will not stop on the whistle; so the whistle was a redundancy, an unnecessary warning in these cases.

Mr. MUTCH: I do not think it is for this committee to decide what we are presently discussing, the efficacy of various types of warning devices. We all know that the purpose of a whistle is to be a warning to the public, and the same is true of gates and wigwags. We know, too, of instances where, in spite of both, accidents do continue because the human element enters into it and the motorist is sometimes unobservant of any warning. Have we not simply to decide, as the minister suggested a few moments ago, the matter of this particular bill? We could go on hearing evidence and expressing our own opinions until the end of the session without deciding the efficacy of the various systems; but what we have to decide is whether municipalities shall enjoy the same risks that their neighbouring cities enjoy. I do not want to be insistent about it, but one objection has been pretty well overcome by removing the words: "near to". If that does not go sufficiently far, perhaps the sponsor of the bill would move to restrict it further to eliminate this thing spreading out into small rural areas, and to confine it strictly to the larger centres. I do not know that we can accomplish anything more by a general discussion of wigwags versus bells. I remember once looking up into an engineer's face when it was too late to put on the brakes, when I steered my car into a cement post. That cement post stopped me or I would not be here to-day. It is an endless argument. I do not know whether you want to hear more evidence if this particular bill gives the relief required. We should make sure that it does not open up any other avenues.

Mr. ADAMSON: Just replying to Mr. Mutch for one moment: Let us suppose that the township of Cornwall, the city of Cornwall, should apply for relief and it was a rural area. The Board of Transport Commissioners would have to pass on that by-law; and if in their judgment it was not necessary for the relief to be granted, they could deny that relief. So, the idea of a train running from Montreal to Toronto without having to blow its whistle—unless the Board of Transport Commissioners were entirely out of their minds—they would not give such relief to those rural communities, even though they were adjoining or contiguous to a city.

Hon. Mr. CHEVRIER: That is the objection that I see to it; rural municipalities to my mind should not be given that opportunity because then you would have hundreds of applications likely to be made. That is the weak part of the bill as I see it.

Mr. ROBINSON (*Simcoe East*): Why should we burden the Board of Transport Commissioners with numerous applications of this sort?

The CHAIRMAN: That is exactly why I believe we should hear the solicitor for the transport commissioners and get his view on it before this matter is finally decided.

Mr. ADAMSON: Would the minister be agreeable, if we amend the bill in such a way that it would apply only to urban municipalities outside of or contiguous to cities of 50,000 or over?

Hon. Mr. CHEVRIER: The minister has nothing to do or say with this matter. It is for the committee to decide. I made my position quite clear in the House of Commons when I said there were some good and some objectionable features to this bill. That is why I moved it to be sent to the committee, so that the committee could decide what should be done with it. Mr. Adamson's point deserves serious consideration. There is certainly a difficult position being created adjacent to the city of Toronto; but I fear that by remedying the situation there you are going to do harm elsewhere. I do not think it is up to the minister to do or to say any more than he has already done.

Mr. MUTCH: Do you think that my suggestion might, in some degree, overcome that possibility?

Hon. Mr. CHEVRIER: If I were asked for an additional opinion, I would say that there certainly ought to be some limitation added to this bill in addition to that of removing the words "in or near". I think a reference to population should certainly go in there; because if you do not put in a limitation with reference to population, you are going to enable rural municipalities adjacent to cities all along the line to make applications.

Mr. MUTCH: Rural suburban municipalities.

Hon. Mr. CHEVRIER: Yes.

Mr. MUTCH: We should deal with that, when we come to clause by clause consideration of the bill.

Hon. Mr. CHEVRIER: It might be advisable to ask the opinion of the counsel of the Board of Transport Commissioners because I do not think I am competent to advise on the phraseology of a thing like this. In fact, I would not attempt to do so.

Mr. ROBINSON (*Simcoe East*): I asked Mr. Spence earlier how many metropolitan areas in Canada might be expected to meet a situation like this, as Mr. Adamson has described. Possibly if we knew that, we could deal with the bill in a proper manner.

The CHAIRMAN: I might point out to the committee that the bill would not be considered by this committee clause by clause. The reference was to the subject-matter of the bill, bill No. 3, an Act to amend the Railway Act. We cannot consider it clause by clause. It was not given second reading.

Mr. MUTCH: The reference was to the principle.

The CHAIRMAN: That's right.

Mr. ADAMSON: But this committee can amend the bill?

The CHAIRMAN: I would think so, and recommend it to the House.

Mr. ADAMSON: As amended.

The CHAIRMAN: If that is desirable.

Mr. STEPHENSON: What population would you suggest, Mr. Chevrier?

Hon. Mr. CHEVRIER: I think it should be 100,000 or more, although I have not given it any thought.

Mr. BLACK: Contiguous to an urban community of 100,000.

Hon. Mr. CHEVRIER: That raises the objection of what is contiguous; what does that mean.

Mr. BLACK: What urban municipalities or communities now have this restricting authority. Do any of them, even the small communities of say 10,000? I am not referring now to communities contiguous to urban communities themselves.

Hon. Mr. CHEVRIER: They cannot pass a by-law such as this, now.

Mr. BLACK: I understand that some urban, largely urban municipalities, now have authority to restrict the blowing of whistles within their boundaries.

Hon. Mr. CHEVRIER: Yes, cities or towns.

Mr. ADAMSON: Any city or town has that right.

Hon. Mr. CHEVRIER: Yes, a city or town has that right; but a township adjacent to a city or town has not got that right.

Mr. BLACK: How many cities or towns would ask for that right?

Hon. Mr. CHEVRIER: The Board of Transport Commissioners' counsel should give us that information.

The CHAIRMAN: We might have that information at our next meeting. I think that is a very interesting point. I think it is the crux of the whole thing.

Mr. BLACK: I think it would be a double safeguard to have the wishes of the urban communities themselves; and secondly, it would have to be ratified by the Board of Transport Commissioners.

The CHAIRMAN: We might give thought between now and the next meeting to a clearer definition of metropolitan area, to the contiguous phase of it, and to the size of the municipality, and get the opinion of the solicitor of the transport commissioners as to what they think about it. Now, unless some other member has more questions to raise about this bill, we might adjourn.

Mr. ADAMSON: I have not given any evidence to the committee yet as to the necessity of this bill for these smaller areas. I have a great deal of evidence here, but I think the committee is impressed enough with the fact that a very definite menace does exist to the health of the people who have to live in an area where 700 blasts of the whistle a night practically prevent any degree of sleep. I have letters here from the medical officer of health, the principal of the high school, and of course from the municipal officers, from several doctors, several clergymen, and the principal druggist in the district, showing the increase in the use of narcotics owing to the whistling. I think the committee and all the witnesses are convinced of the necessity of affording some relief to urban areas such as this.

Mr. McCULLOCH: Is that figure of 700 whistles an accurate figure or just a guess?

Mr. ADAMSON: It is an accurate figure; in fact, 712 is the precise number. The High School principal says:

In support of the protest against the disturbances caused by train whistling in the Islington-Kingsway area I am herewith stating the case for the pupils and teachers of Etobicoke High School.

As you know the school is situated on Montgomery Road about 250 yards north of the C.P.R. crossing. The trains running East whistle near the school for Islington Avenue, Montgomery Road and Dundas Street. Trains running west, while near the school building whistle for Montgomery Road and Islington Avenue.

This whistling naturally interrupts the concentration and recitation of the pupils and the presentation of work by the teachers. When the whistle blows teaching must stop. As two or three trains frequently pass during one 40-minute teaching period this means a loss of five or six minutes teaching time each period. Considering this as a loss of 10 per cent of time it is equivalent to a loss of one month in ten. That is, a year's work taken by the majority of schools in ten months must be done by Etobicoke High School pupils in nine months.

Anything that you do to stop the whistling of trains in this vicinity will indeed be appreciated by all connected with Etobicoke High School.

The CHAIRMAN: I believe the students would prefer to have the whistles and not work so hard.

Mr. ADAMSON: The druggist says:—

The whistling of trains is of concern to the pharmacist because, he realizes full well that there are many uses for the sleeping tablet and contribute very substantially to the reasons for their use. The research the hypodermic needle and that the screaming whistle of the train may departments of the large pharmaceutical houses are in constant search for medication less harmful and more effective to induce sleep to the light and troubled sleeper. If these trained scientists were satisfied that health would not be impaired and that the life span could not be shortened by the continued use of these unnatural sleep producers, there would be but little purpose in their constant endeavour to produce medication of a less dangerous nature. It is an accepted fact that natural sleep is far better than any form of induced sedation.

There are many factors which contribute to the cause of the use of sleeping potions and just where in the order of importance the train whistling factor fits I am not at all sure, but it is my personal belief that it is well toward the top of the list. I am thoroughly convinced that if the whistling of a train sufficiently stirs the human mind of the occupant of a humming motor car to cause him to stop his car, it must most certainly disturb the peaceful slumber of the tired worker tucked restfully in his quiet abode.

In conclusion, I wish to point out that large quantities of sleeping medicines are used in this Kingsway-Lambton area and while I have great respect for the painstaking scientists who have made them available for the benefit of the needy, I most emphatically state that it is my firm conviction that all unnecessary causes for their use should definitely be eliminated. I believe that the whistling of trains is a cause and it is, at least, my opinion than anything which may cause the habitual use of this type of medication should receive your careful consideration.

The CHAIRMAN: Shall we adjourn? I do not want to shorten any presentation, Mr. Adamson.

Mr. ADAMSON: This is from the Rector of St. George's Church On-the-Hill. I shall read only the second paragraph:—

My own family suffers as much perhaps as any. In the six years we have lived in St. George's Rectory, neither my wife nor I have had a single night's unbroken rest because of the train whistles. Our child is also frequently disturbed, particularly in the early morning. When this situation is common to thousands of homes in a district like ours, it constitutes a social problem of no inconsiderable proportion. That is from the Rector, Mr. Newby, of St. George's Church, Islington. The situation is a serious one. In fact, it is a very serious one for the people resident in that district because it constitutes a definite menace to their health.

Mr. CAMPBELL: I notice that here in Ottawa a good many of the streets do not cross the railways, but every once in a while there are crossings and wiggags. Why cannot the committee take the attitude that we will do away with the level crossings, have fewer crossings and have them either underground or overhead?

The CHAIRMAN: That is probably very desirable, but I think we would have to consider the matter of cost.

Mr. CAMPBELL: We have 250,000 unemployed right now in Canada.

Hon. Mr. CHEVRIER: If you had been in the House yesterday you would have heard me give some information concerning that very thing, that a study was being made by a committee of the Board of Transport Commissioners and Reconstruction, respecting dangerous crossings, but that they have not reported yet. These things are being studied as post-war projects. I am not in a position to say when the report will be handed down, but I can assure you that the subject is being given careful consideration.

Mr. CAMPBELL: We could get the co-operation of the railways, the municipalities, the provinces and the dominion government to put them in.

Mr. ADAMSON: The cost of a level crossing in the particular case I have in mind would amount to about \$300,000, which would put the thing, from a practical point of view, beyond realization. The crossing at Dundas was surveyed and it came to that figure.

The CHAIRMAN: We will adjourn now to meet again at the call of the chair.

The committee adjourned at 5.18 p.m. to meet again at the call of the chair.